

<p>Attorney or Party Name, Address, Telephone & FAX Nos., State Bar No. & Email Address</p> <p>Erin P. Moriarty (SBN: 146751) Law Offices of Weneta M.A. Kosmala 3 MacArthur Place, Suite 760 Santa Ana, CA 92707 Tel: 714-540-3600 Email: emoriarty@kosmalalaw.com</p>	<p>FOR COURT USE ONLY</p>
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Sale Date: 09/03/2020	Time: 2:00 pm
Location: United States Bankruptcy Court, 411 W. Fourth Street, Suite 5040, Santa Ana, CA 92701-4593	

Type of Sale: ☒ Public ☐ Private **Last date to file objections:** 08/20/2020

Description of property to be sold: REAL PROPERTY LOCATED AT 17192 OAK LANE, HUNTINGTON BEACH, CA

Terms and conditions of sale: he sale to be “as is, where is”, with no warranties or guaranties. The Offer is subject to overbid, upon the terms and conditions set forth below.

Proposed sale price: \$ 709,000.00

Overbid procedure (if any): See attached Overbid Procedures

If property is to be sold free and clear of liens or other interests, list date, time and location of hearing:

Date: 9/3/2020

Time: 2:00 p.m.

Location:

United States Bankruptcy Court

411 W. Fourth Street, Suite 5040/Ctrm 5A

Santa Ana, CA 92701-4593

Contact person for potential bidders (include name, address, telephone, fax and/or email address):

Erin P. Moriarty

Law Offices of Weneta M.A. Kosmala

3 MacArthur Place, Suite 760

Santa Ana, CA 92707

Tel: 714-540-3600

Email: emoriarty@kosmalalaw.com

Date: 08/20/2020

I. OVERBID PROCEDURES.

- a. Common Ground is expected to remove all contingencies from its offer by the date of the continued hearing. All prospective overbids must be non-contingent (including no appraisal/inspection or financing qualification contingencies). Trustee and her agents will work with all prospective bidders to allow access for the purpose of removing contingencies.
- b. Trustee will list the Property in the MLS as soon as the existing listing by another party is removed. Trustee will market the Property for a period of 30 days from the posting of her listing ("Listing Period").
- c. Interested parties may submit non-contingent overbids within the Listing Period, in an amount no less than \$5,000 more than Common Ground's base bid, or \$714,000. All bidders must submit their signed offers with an earnest money deposit of \$21,000, and proof of funds or financing qualification. The deposits of unsuccessful bidders will be returned following the closing of bidding. Trustee will submit a counter-offer to qualified bidders which contains various provisions related to the bankruptcy (including that the sale is "as is, where is", with no guarantees or warranties, that the earnest money deposit will be forfeited if the successful bidder fails to close, etc.) A bid is not a Qualified Bid until the bidder has submitted its original non-contingent offer, provided proof of funds, tendered the earnest money deposit, and executed the counter-offer. Those parties who submit Qualified Bids timely will be considered Qualified Bidders.
- d. The next business day after the close of the Listing Period, Trustee will communicate to all Qualified Bidders the amount of the highest bid, and will schedule within five (5) business days a telephonic or electronic conference among bidders, for the purpose of continued bidding. Trustee will endeavor to schedule the conference at the convenience of all Qualified Bidders, but scheduling is within her discretion, and if a bidder is unable to participate, that bidder's only remedy is the return of the earnest money deposit.
- e. At the conference, Trustee, personally or through her counsel, will continue the bidding among the Qualified Bidders with minimum bidding increments of \$1,000 until a single high bid is reached. Trustee is authorized to close the sale of the Property to the highest bidder identified through this process, without further Court Order.
- f. The high bidder must close escrow within twenty-one (21) calendar days following confirmation by Trustee of its successful bid.
- g. If the high bidder fails to close timely, Trustee is authorized to close the sale of the Property to the next-highest qualified bidder at the next-highest bid price, without further Court Order.
- h. Trustee will file an appropriate Report of Sale with the Court following the closing of the sale, reflecting the buyer, ultimate price and other information as required under applicable Bankruptcy Rules and/or Local Rules.

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:

3 MacArthur Place, Suite 760
Santa Ana, CA 92701-4593

A true and correct copy of the foregoing document entitled: **NOTICE OF SALE OF ESTATE PROPERTY** will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On *(date)* 08/20/2020, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

☒ Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On *(date)* 08/20/2020, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

Honorable Erithe A. Smith
United States Bankruptcy Court
411 W. Fourth Street, Suite 5040
Santa Ana, CA 92701-4593

☒ Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL *(state method for each person or entity served)*: Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on *(date)* _____, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

08/20/2020
Date

Janine Fountain
Printed Name

/s/ Janine Fountain
Signature

ADDITIONAL SERVICE INFORMATION (if needed):

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING ("NEF"):

- Ronald Appel attorneyrappel@gmail.com
- Halli B Heston hheston@hestonlaw.com,
yflores@hestonlaw.com,docs@hestonlaw.com;hestonrr41032@notify.bestcase.com,handhecf@gmail.com
- Michael Jones mike@mjthelawyer.com, 2651971420@filings.docketbird.com
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wkosmala@kosmalalaw.com;jfountain@kosmalalaw.com;weneta.kosmala@7trustee.net
- Michael G Spector mgspector@aol.com, mgslawoffice@aol.com
- Sara Tidd sara@mjonessoc.com
- United States Trustee (SA) ustpreion16.sa.ecf@usdoj.gov

2. SERVED BY UNITED STATES MAIL:

Lillian Sikanovski Dulac
18566 Santa Andrea Street
Fountain Valley, CA 92708

United States Bankruptcy Court
Santa Ana Division
411 W. Fourth Street, Suite 2030
Santa Ana, CA 92701-4593

William Friedman
Coldwell Banker
2444 Wilshire Blvd.
Los Angeles, California 90403

Greg Bingham
Coldwell Banker
840 Newport Center Drive, Suite 100
Newport Beach, California 92660.